

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Applicants wish to thank Examiner Ruhl for the courtesy of an interview on October 18, 2006, at which time the outstanding rejection was discussed, as were possible claim amendments corresponding to those set forth in the present response. It is Applicants' understanding that the Examiner considers the concept of the amended claims to be patentable and the claim language to be acceptable. The Examiner nonetheless deferred an indication of allowability pending his further review of the claim language after the filing of a written response.

More particularly, Claims 1, 9 and 12 have been amended to recite "a reduced consumption" of the useful life of the construction machine, and that the point number is calculated on the basis of an evaluation standard related to the consumption of the useful life of the construction machine by the operation of the construction machine. Basis for this is found in the paragraph beginning at line 11 of page 3 in the specification. Claims 5, 8 and 10, which had not been rejected based upon the prior art, have been rewritten in independent form.

As discussed during the interview, the further limitation that the calculated point number is related to a "reduced" consumption of the useful life of the construction machine is believed to respond to the rejection under 35 U.S.C. § 112, first paragraph. The revised claims are also believed to clarify the objected to limitations noted in the rejection under 35 U.S.C. § 112, second paragraph. As discussed during the interview, Applicants remain prepared to further amend the claims for clarity, as necessary.

Claims 1, 9 and 12, as well as several of their dependent claims, were rejected under 35 U.S.C. § 103 as being obvious over EP '525 (Hideki) in view of the Budget Rent A Car

article or the Bell South article. The amended claims are believed to define over the cited prior art.

As the Office Action recognizes, Hideki merely discloses a system for renting construction equipment in which start and stop information may be transmitted to a base station but no "point number for service" is calculated.

The Budget article describes a promotional program in which members are rewarded for every dollar they spend. It may be appreciated that this is quite different from the claimed invention since points based on each dollar spent is not related to a reduced consumption of the useful life of the product being rented. Indeed, the concept of this promotional program is opposite to that of the invention since renters are rewarded for increased use and consumption.

The Bell South article describes that wireless users can carry over minutes they have paid for, but not used, into the next month. However this also fails to teach calculating a point number related to a reduced consumption of the useful life of a machine being rented by the operation of the machine, for a number of reasons. First, the wireless users in the Bell South plan do not rent the phones but are instead charged for (i.e., purchase) air time associated with the use of the phones. Thus this is not analogous to a method of renting a machine such as a construction machine.

Beyond this, rolling over minutes to the next month in the Bell South article is not analogous to calculating a point number related to reduced consumption of a phone on the basis of an evaluation standard related to the consumption of the useful life of the phone, since this system merely represents the lifting of the requirement that purchased wireless minutes must be used in the month that they are purchased. The purchased minutes will be used at a later date and so the Bell South rollover provision will have no relation to a reduced

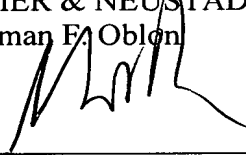
Application No. 09/973,729
Reply to Office Action of August 22, 2006

consumption of the phone. Therefore, as was tentatively agreed during the interview, the claims define over the cited prior art.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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